

UNITED STATES BANKRUPTCY COURT

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Western District Bar Advisory Committee Minutes April 1, 2005

In attendance: Jean Rolfs, Karen Waldroff, Brenda Shipley, Charles Tucker, Joyce Babin, Ray Fulmer, Bill Meeks, T.R. Brixey, Jack Gooding, Bill Clark, and Sherry Daves.

1. Chuck Tucker reported on the new Batch Trustee Assignments:

In ECF Version 2.4, a new “batch” feature to the Judge/Trustee Assignment program was released. This new feature was designed to assign all cases filed in one day by one attorney to one trustee. To take advantage of this new feature, the attorney needs to enter in all his or her cases on the same day without selecting the Judge/Trustee Assignment button in between cases. After all cases have been entered, the attorney should then select the Judge/Trustee Assignment button. The auto assignment program will then batch all cases to one trustee. Please note that there is a 10-case batch limit currently in place.

2. Jean Rolfs reported that information would be posted on the court’s website as it is made available from the Administrative Office of the United States Courts.
3. Karen Waldroff stated that all required changes have been made regarding the E-Government Act of 2002 (effective April 16, 2005). In ECF Version 3.0, attorneys will have ability to do text searches on written opinions.
4. Karen Waldroff reported that search capability has been added to the court website. The Bankruptcy Court website (www.arb.uscourts.gov) now features an ISYS search engine in order to better serve our users. This new capability will allow users to conduct detailed searches of the documents (both html and PDF) currently stored on our website. By entering a keyword in the search box and clicking the “Search” button, users are instantly shown a selection of relevant documents. This new feature will expand a user’s ability to find relevant documents easily. The court also added a feature which allows users to search specific areas of our website, such as General Orders, Judges’ Opinions, and Local Rules.
5. Jean Rolfs reported on the process for revisions to Local Rules.
6. Ray Fulmer brought up an example of being paid a trustee fee when the case had been reassigned to Terry Lee.

Answer: The Court's Financial Department has researched the situation where a trustee was paid in error for two cases. The first incorrect payment occurred because a duplicate case was filed by the same debtor in error. The case was closed just a few days after the initial filing and a trustee payment should not have been issued. This payment was an oversight by the Clerk’s office Financial Office.

The second incorrect payment occurred because a declination of appointment had been filed by the original trustee and the information in the case management system did not transfer over to the court's financial system. In order to prevent this error in the future, the clerk's office systems department has created an event so that the Financial Department can generate a monthly report showing all trustee declinations filed that month. This report will be used to compare the trustee information in the case management system to the trustee information in the financial system. This should ensure that the correct trustee is always paid.

7. Bill Meeks asked why the "Notice of Motion for Authority" filed in the AP didn't bleed into the BK case.

Answer: This should have been filed as an "Application/Motion for Compromise Controversy," which would have bled from the AP into the BK case.

8. T.R. Brixey requested that post directions on how to use the Reports Menu/Event List.
9. Joyce Babin reported that the Chapter 13 Trustees are upgrading their new software and to watch for changes. The "go live" date will be this summer.
10. Jack Gooding reported having problems because his spyware blocked certain ECF functions to pay by credit card. He believes he has the issue resolved.
11. The question was asked if an attorney is automatically added to a case if the attorney files a pleading. The answer is no. When an attorney files a pleading, the ECF screen asks whom the attorney is representing. Once the attorney picks the party they are representing, that party is added to the case (if it wasn't already), and then the attorney is presented with a prompt asking if they want to associate themselves with the new party. The attorney needs to answer "yes." If the attorney does not select "yes," they are not added to the case.
12. Concern was expressed due to privacy issues and new legislation that the full Social Security Number may appear on a Statement of Financial Affairs.

Answer: The court does not send out the Statement of Financial Affairs. If there is a SSN appearing on the Statement it would be due to the attorney entering it on the PDF.

Based on the Privacy Act, the official forms were changed – including the Statement of Financial Affairs – to comply with the Act, and it designates that filers responsible for redacting the SSNs.

13. Concern was expressed that when a Chapter 7 Trustee on a case recuses and the case goes to a new Chapter 7 Trustee, the newly appointed trustee doesn't get the full SSN.

Answer: The trustees should exchange information such as the full SSN, or the trustee can call the court and the court will verbally provide the trustee with the full SSN. There is no "electronic" way to provide the trustee with the information. When a trustee declines to be appointed on a case, he or she files an Appointment Declination, and the U.S. Trustee's office then files an Appointment of Successor Trustee. Neither of these events is monitored by the court since the U.S. Trustee monitors them. Sometimes the declination and successor appointment occur prior to the first meeting being mailed, so

the successor trustee will appear on the first meeting notice, which contains the full SSN.